

## Environmental Protection Agency

## § 80.601

or the Administrator's designated representative upon request.

(j) Notwithstanding the provisions of this section, product transfer documents must be maintained under the provisions of §§ 80.590, 80.592, and 80.602.

(k) The records required in this section must be kept for five years after they are required to be collected.

(l) Identifications of fuel designations can be limited to a sub-designation that accurately identifies the fuel and do not need to also include the broader designation. For example, NR diesel fuel does not also need to be designated as NRLM or MVNRLM diesel fuel.

EFFECTIVE DATE NOTE: 2. At 69 FR 39196, June 29, 2004, the center heading before § 80.600 was removed, effective Aug. 30, 2004.

### **§ 80.601 What requirements apply to motor vehicle diesel fuel for use in the Territories?**

The sulfur standards of § 80.520(a)(1) and (c) do not apply to diesel fuel that is produced, imported, sold, offered for sale, supplied, offered for supply, stored, dispensed, or transported for use in the Territories of Guam, American Samoa or the Commonwealth of the Northern Mariana Islands provided that such diesel fuel is:

(a) Designated by the refiner or importer as high sulfur diesel fuel only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(b) Used only in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(c) Accompanied by documentation that complies with the product transfer document requirements of § 80.590(e)(3); and

(d) Segregated from non-exempt motor vehicle diesel fuel at all points in the distribution system from the point the diesel fuel is designated as exempt fuel only for use in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, while the exempt fuel is in the United States but outside these Territories.

EFFECTIVE DATE NOTE: At 69 FR 39198, June 29, 2004, § 80.601 was revised, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

### **§ 80.601 What are the reporting requirements for purposes of the designate and track provisions?**

(a) *Quarterly reporting.* Beginning November 30, 2007 and continuing through August 31, 2010, each entity required to maintain records under § 80.600 must report the following information separately for each of its facilities to the Administrator on a quarterly basis, as specified in paragraph (e)(1) of this section:

(1) Separately for each designation category and separately for each transferee facility, the total volume in gallons of distillate fuel designated under § 80.598 for which custody was delivered by the reporting facility to any other entity or facility, and the EPA entity and facility registration number(s), as applicable, of the transferee.

(2) Separately for each designation category and separately for each transferor facility, the total volume in gallons of distillate fuel designated under § 80.598 for which custody was received by the reporting facility, and the EPA entity and facility registration number(s), as applicable, of the transferor.

(3) Any entity that receives custody of distillate fuel from another entity or facility that does not have an EPA facility identification number must report such batches as follows:

(i) Any batch of distillate fuel for which custody is received and which is marked pursuant to § 80.510(d) or (f) shall be deemed designated as heating oil, any batch of distillate fuel for which custody is received and which is marked pursuant to § 80.510(e) shall be deemed designated as heating oil or LM diesel fuel as applicable, and the report shall include that information under that designation.

(ii) Any batch of distillate fuel for which custody is received and for which taxes have been paid pursuant to Section 4082 of the Internal Revenue Code (26 U.S.C. 4082) shall be deemed designated as motor vehicle diesel fuel and the report shall include it under that designation.

(iii) Any batch of 500 ppm sulfur diesel fuel dyed pursuant to § 80.520(b) and not marked pursuant to § 80.510(d) and (f), and for which custody is received, shall be deemed designated as NRLM diesel fuel and the report shall include it under that designation.

(iv) Any batch of 500 ppm sulfur diesel fuel dyed pursuant to § 80.520(b) and not marked pursuant to § 80.510(e), and for which custody is received, shall be deemed designated as NR diesel fuel and the report shall include it under that designation.

(4) In the case of truck loading terminals, the results of all compliance calculations required under § 80.599, and including:

(i) The total volumes received of each fuel designation required to be reported in paragraphs (a)(1) through (a)(3) of this section over the quarterly compliance period.

(ii) The total volumes delivered of each fuel designation required to be reported in paragraphs (a)(1) through (a)(3) of this section over the quarterly compliance period.

(iii) Beginning and ending inventories of each fuel designation required to be reported in paragraphs (a)(1) through (a)(3) of this section over the quarterly compliance period.

(iv) The volume balance under § 80.599(b)(4) and § 80.598(b)(9)(vi).

(v) The volume balance under § 80.599(c)(2) and § 80.598(b)(9)(viii)(A).

(b) *Annual reports.* Beginning August 31, 2007, all entities required to maintain records for batches of fuel under § 80.600 must report the following information separately for each of its facilities to the Administrator on an annual basis, as specified in paragraph (e)(2) of this section:

(1) Separately for each designation category for which records are required to be kept under § 80.600 and separately for each transferor facility, the total volume in gallons of distillate fuel designated under § 80.598 for which custody was received by the reporting facility, and the EPA entity and facility registration number(s), as applicable, of the transferor.

(2) Separately for each designation category for which records are required to be kept under § 80.600 and separately for each transferee facility, the total volume in gallons of distillate fuel designated under § 80.598 for which custody was delivered by the reporting facility to any other entity or facility, and the EPA entity and facility registration number(s), as applicable, of the transferee except as provided under § 80.600(a)(7), (a)(8), (b)(4), and (b)(5).

(3) The results of all compliance calculations required under § 80.599, and including:

(i) The total volumes in gallons received of each fuel designation required to be reported in paragraph (b)(1) of this section over the applicable annual compliance period.

(ii) The total volumes in gallons delivered of each fuel designation required to be reported in paragraph (b)(2) of this section over the applicable annual compliance period.

(iii) Beginning and ending inventories of each fuel designation required to be reported in paragraphs (b)(1) and (b)(2) of this section for the annual compliance period.

(iv) In the areas specified in § 80.510(g)(2), for fuel designated as high sulfur NRLM diesel fuel delivered from June 1, 2007 through May 31, 2010, for fuel designated as 500 ppm NR diesel fuel delivered from June 1, 2010 through May 31, 2012, and for fuel designated as 500 ppm sulfur NRLM diesel fuel from June 1, 2012 through May 31, 2014, the refiner must report all information required under its compliance plan approved pursuant to

§ 80.554(a)(4) and (b)(4) and including the ultimate consumers to whom each batch of fuel was delivered and the total delivered to each ultimate consumer for the compliance period.

(v) Ending with the report due August 31, 2010, the volume balance under § 80.598(b)(9)(vi) and § 80.599(b)(4).

(vi) Ending with the report due August 31, 2010, the volume balance under § 80.598(b)(9)(vii) and § 80.599(b)(5), if applicable.

(vii) Ending with the report due August 31, 2010, the volume balance under § 80.598(b)(9)(viii)(A) and § 80.599(c)(2).

(viii) Beginning with the report due August 31, 2010, the volume balance under § 80.598(b)(8)(viii)(B) and § 80.599(c)(4).

(ix) Beginning with the report due August 1, 2011 and ending with the report due August 1, 2012, the volume balance under § 80.598(b)(9)(ix) and § 80.599(d)(2).

(c) *Additional information.* The Administrator may request any additional information necessary to determine compliance with the requirements of §§ 80.598 and 80.599.

(d) *Submission of quarterly and annual reports.* (1) All quarterly reports shall be submitted to the Administrator for the compliance periods defined in § 80.599(a)(1) as follows:

(i) The first quarter report shall be submitted by the following November 30.

(ii) The second quarter report shall be submitted by the following February 28.

(iii) The third quarter report shall be submitted by the following May 31.

(iv) The fourth quarter report shall be submitted by the following August 31.

(2) All annual reports shall be submitted to the Administrator for the compliance periods defined in § 80.599(a)(2) by August 31.

(3) All reports shall be submitted on forms and following procedures specified by the Administrator, shall include a statement that volumes reported to the Administrator under this section are identical to volumes reported to the Internal Revenue Service and shall be signed and certified by a responsible corporate officer of the reporting entity.

(e) *Exclusions.* Notwithstanding the provisions of this section, an entity is not required to report under paragraphs (a) or (b) of this section for facilities whose only recordkeeping requirements under § 80.600 are under § 80.600 (f) or (g) or to maintain records solely related to calculating compliance with the downgrading limitation under § 80.527, § 80.599(e) and § 80.600(b)(1)(i) and (ii).

**§ 80.602 What exemption applies to diesel fuel used in vehicles having a national security exemption from motor vehicle emissions standards?**

The motor vehicle diesel fuel standards of § 80.520(a)(1), (a)(2), and (c) do